

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JASON A. IMES,

Plaintiff(s),

v.

FOX ROTHSCHILD LLP and the UNITED
STATES OF AMERICA,

Defendant.

Case No. 2:23-CV-518 JCM (NJK)

ORDER

Presently before the court is interpleader plaintiff Jason Imes's motion to discharge and dismiss himself from the action (ECF No. 28), and motion to limit his potential recovery of fees and costs according to the parties' stipulation (ECF No. 29). Both motions are unopposed by defendants Fox Rothschild, LLP and the United States.

This interpleader action was brought to settle the disbursement of funds then held by Imes in his IOLTA. (ECF No. 1). Imes is counsel for the Chapter 7 trustee of the bankruptcy estate of Lionel Sawyer & Collins, Ltd. (*Id.* at 2). In 2023, the bankruptcy court approved a settlement of \$750,000 (the "funds") between the Chapter 7 trustee and two other parties. (*Id.* at 2).

After the funds were transferred to Imes's trust account, the Internal Revenue Service and Fox Rothschild, LLP noticed claims on the funds. (*Id.* at 2–3). This interpleader action was then brought in federal court to resolve the government and Fox Rothschild's competing claims for the funds. (*Id.* at 4–5). Imes does not have any interest in the funds. (*Id.* at 1).

On August 3, 2023, the court granted Imes's motion to deposit the funds into the court's registry account. (ECF No. 35). Imes made the deposit on August 9, 2023. (ECF No. 36). Imes now moves the court for an order dismissing him from this action, with prejudice, and discharging

1 him from further liability related to the funds. (ECF No. 28). Fox Rothschild filed a notice of
 2 non-opposition. (ECF No. 33). The government did not file a response. Accordingly, Imes's
 3 motion is GRANTED as unopposed. *See* Local Rule 7-2(d). *See also Schirmer Stevedoring Co.*
 4 *v. Seaboard Stevedoring Corp.*, 306 F.2d 188, 193 (9th Cir. 1962) (explaining that district courts,
 5 in interpleader actions, "may discharge the plaintiff from further liability, make the injunction
 6 permanent, and make all appropriate orders to enforce its judgment" (citing 28 U.S.C. § 2361)).

7 Imes also asks the court for "leave to file a separate motion for recovery of his attorneys'
 8 fees and costs related to this interpleader action to be paid from Fox Rothschild's portion of the
 9 settlement funds in the event any portion of the settlement funds are awarded to Fox Rothschild,
 10 subject to the limitations provided in the Stipulation [filed at ECF No. 17]." (ECF No. 29, at 4).
 11 This request was similarly unopposed by the defendants.

12 Interpleader plaintiffs who are "disinterested in the ultimate disposition of the fund" are
 13 entitled to an award of attorney's fees "incurred in filing the action and pursuing...release from
 14 liability." *Trustees of Directors Guild of Am.-Producer Pension Benefits Plans v. Tise*, 234 F.3d
 15 415, 426 (9th Cir.). Attorney's fees are "paid from the interpleaded fund itself." *Id.* at 427. The
 16 parties filed a stipulation limiting Imes's recovery of fees in the event that all of the funds are paid
 17 to the government. (ECF No. 17, at 3). The court therefore GRANTS Imes's motion filed at ECF
 18 No. 29.

19 Accordingly,

20 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Imes's motion to
 21 discharge and dismiss himself from the action (ECF No. 28) be, and the same hereby is,
 22 GRANTED. Plaintiff Imes is DISMISSED from this case, with prejudice; discharged from any
 23 further liability related to the funds; and defendants are restrained from instituting or prosecuting
 24 any proceedings against him for the disbursement of the funds.

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1 IT IS FURTHER ORDERED that Imes's motion to limit his recovery of fees and costs
2 pursuant to the parties' stipulation (ECF No. 29) be, and the same hereby is, GRANTED.

3 DATED December 19, 2023.

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5 UNITED STATES DISTRICT JUDGE
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